

REMARKS

This Amendment is submitted simultaneously with filing of the above identified application.

With the present Amendment, applicants amended claim 9, the broadest claim on file, so as to more clearly define the present invention and to distinguish it from the prior art.

In accordance with the present invention as defined in claim 1, in the inventive percussion mechanism, a blocking element 10 is provided, with which the striker 2, that imparts impacts directly to an end section of a tool bit inserted into the hand power tool, is blockable in its forward motion.

In the patent to Muetschele applied by the Examiner in the Office Action the percussion mechanism has two axial movable striking elements, namely the striker and the intermediate anvil. In this percussion mechanism the striker delivers impacts to the anvil, and the anvil finally delivers impacts to a shaft end or an end section of a tool or a tool bit insertable into the hand power tool. The striker does not directly impart impacts to the shaft end of the tool insertable in the hand power tool, and the blocking element of this reference does not block a forward motion of the striker which imparts impacts directly to the shaft end of a tool insertable into the hand power tool.

It is therefore believed that the new features of the present invention which are now defined in amended claim 9 are not disclosed in this reference and these features also can not be derived from the reference as a matter of obviousness.

Claim 17, which is a second independent claim, defines that the percussion mechanism has a control unit 17 that provides adjustment of the striking frequency of the striker by controlling the blocking time of the blocking element, so that the striking frequency of the striker depends on how long the blocking element blocks the forward motion of the striker.

Claim 18 which is third independent claim currently on file, includes both above specified new features of the present invention defined in claims 9 and 17.

The percussion mechanism disclosed in the reference does not have a control unit which adjusts the striking frequency of the striker by controlling the blocking time of the blocking element, so that the striking frequency of the striker depends on how long the blocking element blocks the forward motion of the striker.

It is therefore believed to be clear that claims 17 and 18 also clearly and patentably distinguish the present invention from the patent to Muetschele applied by the Examiner.

The secondary reference applied by the Examiner, namely the patent to Frauhammer, also does not teach the new features of the present invention as defined in the independent claims.

Claims 9, 17 and 18 should be considered as patentably distinguishing over the art and should be allowed.

With the present Amendment applicants have also added claims 19, 20 and 21. These new claims, together with other dependent claims, depend on the corresponding independent claims, they share their allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by

Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line that curves upwards at the end.

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